

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE
THURSDAY, APRIL 3, 2008 – 7:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 5/2007 through 4/2008	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	A	9	1
Barry Flanigan, Vice Chair	P	9	1
Randolph Adams	P	9	1
Alec Anderson	P	7	3
John Baker	A	7	3
John Custer	P	9	1
Norbert McLaughlin	P	8	2
Bob Ross	P	9	1
Rick Schulze	P	9	1
Lisa Scott-Founds	P	1	0
Stephen Tilbrook	P	9	2
Michael Widoff	P	8	2
Eugene Zorovich	P	9	1

Staff Present

Jamie Hart, Supervisor of Marine Facilities
 Andrew Cuba, Manager of Marine Facilities
 Cate McCaffrey, Director of Business Enterprises
 Levent Ekendiz, Intracoastal Facilities Dockmaster
 Marlene Kimble, Downtown Facilities Dockmaster (retiring)
 Off. Brian Meo, Marine Police
 Lisa Slagle, Administrative Assistant II, Business Enterprises
 Matthew Domke, Downtown Facilities Dockmaster
 Brigitte Chiappetta, Recording Clerk, Prototype, Inc.

I. Call to Order/Roll Call

Vice Chair Barry Flanigan called the meeting to order at 7:10 p.m. It was determined that a quorum was present.

Vice Chair Flanigan introduced new Board Member, Lisa Scott-Founds. Self-introductions were made by Staff.

Vice Chair Flanigan announced that Marlene Kimble is retiring after 36 years with the City of Fort Lauderdale, and invited everyone to an organized event on April 17, 2008, from 5:00-7:00 p.m., at the Downtowner Saloon, to acknowledge Ms. Kimble's retirement and share in the celebration. Vice Chair Flanigan thanked Ms. Kimble for all her years of dedicated service.

II. Approval of Minutes – March 13, 2008

Motion made by Mr. Baker, seconded by Mr. Schulze, to approve the minutes of the March 13, 2008 meeting of the Marine Advisory Board, with the following 2 corrections to be made:

1. Mr. Adams advised that while the reporting of the minutes was correct, he had made an error at last month's meeting, specifically at page 10, Section VI (Report of the Broward County Marine Advisory Committee). Chair Terrill asked Mr. Adams if the Committee had taken any action, and Mr. Adams indicated that none had been taken. Mr. Adams advised that this was not correct and that the Marine Advisory Committee had, in fact, asked the Chairman to deliver a letter to the County Commission stating that the Committee was upset about the bridge closings and that the Committee recommended no bridge closings be instigated.
2. Mr. Anderson requested that on page 15, in the sixth paragraph, in the last sentence, that it read: "Mr. Anderson urged that this Board consider the interests of the entire marine community and not only the marine industry or the mega yacht industry."

Vice Chair Flanigan noted the Minutes as approved with the above requested corrections.

III. Waterway Crime & Boating Safety Report

In Sgt. Pallan's absence, Officer Meo from the Fort Lauderdale Police Marine Unit reported that there were three vessel accidents in March, as follows:

1. On March 15, 2008, at 200 E New River, a vessel was waiting for the Andrews Avenue Bridge and struck a docked vessel. There was only minor damage with no injuries.
2. On March 16, 2008, at 2060 Starlight Landing, there was a hit-and-run accident where a vessel backed into a docked catamaran causing significant damage to the hull. The Captain stopped, observed the damage and left the area. The vessel has been identified and follow-up investigation is being conducted. There were no injuries as a result of this accident.

3. On March 31, 2008, at 3000 N Intracoastal Waterway, there was minor damage caused by excessive weight. Several vessels were in the area traveling south from the Palm Beach Boat Show. There were no injuries as a result of this accident.

Officer Meo reported there were other incidents in March:

1. On March 17, 2008, at 690 Royal Plaza Drive, a stolen vessel was removed from the waterway by Fort Lauderdale Police Department Dive & Marine Unit.
2. On March 25, 2008, at 928 NE 20th Avenue, Jonathan Naylor of Naylor Yachts was given a Notice to Appear for docking too large of a vessel. Naylor failed to comply with warnings to move the vessel, which exceeded more than 50% of the width of the Middle River.

Officer Meo advised that there were no vessel thefts or burglaries in the month of March.

Mr. Tilbrook asked Officer Meo how the report came about as to the Naylor vessel. Officer Meo advised Mr. Tilbrook that he had no information as to this incident. Mr. Anderson stated that he had spoken with Sgt. Pallan the day before about this incident and apparently Mr. Naylor has a history of violations with the Marine Unit. Officer Meo did inform Mr. Anderson that he believed the vessel to be 121 feet in length. Mr. Anderson further stated that the vessel was not just a violation of code, but represented a safety hazard as it was swaying in the Middle River because the current runs through there very strong, and because there were not enough moorings. Officer Meo confirmed that the boat was removed.

IV. Application – Waiver of Dock Distance Limitations – 714 NE 20th Avenue
• **James Juranitch**

Mr. Tilbrook excused himself at this time, as he had asserted a conflict with this Item.

Vice Chair Flanigan announced that Chair Tilbrook provided a letter which he requested be read into the Minutes of the meeting. Thereupon, Vice Chair Flanigan read as follows:

"I would like to apologize to the board for my absence. I find the staff presentation of the Juranitch waiver to be extremely unusual and cause for concern.

Staff is asking the board to determine if changes in the dock configuration at 714 NE 20th Ave. meet the legal criteria for a "material change" before allowing this application to be heard. This is completely unprecedented.

While there are board members present who have served for as long as 10 years none of us have ever been asked to decide if an applicant is worthy of being heard. Our job is to decide individually whether we would recommend commission approval based on the merits of an application.

It is clear from the minutes of our last meeting there is a public perception of behind the scenes political maneuvering relating to all properties, commercial & residential along NE 20th Ave. There is no doubt this unusual request from staff will further the public perception.

In February the Director of Planning and Zoning stated there are no plans to restrict or limit boat dockage on 20th Ave. Last month the Assistant City attorney claimed that it was 'inaccurate and overblown' to suggest dock waivers were being held off for an indeterminate time. As of today no waivers have been sent to the commission and applicants have not been told when they will be.

The Marine Advisory Board is not requested to follow staff recommendations, but we are required to follow our agenda. Item IV on our agenda is properly noticed, and the applicant is present. This item must be heard.

Please include this letter in the minutes.

Sincerely, John Terrill, Chairman, Fort Lauderdale Marine Advisory Board"

Motion made by Mr. Schulze, seconded by Mr. Adams, to place item IV on the Agenda before the Marine Advisory Board.

Michael McAllister, Esquire, of Shutts & Bowen, requested the opportunity to be heard, as this was a quasi-judicial hearing. Vice Chair Flanigan advised Mr. McAllister that this matter was not open to the public at this time.

Mr. Widoff asked who determines whether an application makes the Agenda, or in this case, who determines *res judicata*, which would preclude an applicant from going on the agenda. Mr. Hart advised that it is the policy of the City to determine at an administrative hearing if *res judicata* will apply. As such, it is up to the Marine Advisory Board to determine whether this application is materially different than a previous application by strictly removing the pilings, as the dock configuration is exactly the

same. Mr. Hart suggested that if the Board were to determine that by removing the pilings it does not change anything from the previous application, then *res judicata* would apply and the Board would have to deny this application. If the Board feels that this application is different by removal of the pilings, then the Board would move forward with reviewing this application. Mr. Hart stated that how this Board comes to this decision is up to this Board.

Mr. Widoff stated that Chair Terrill's letter seems to indicate that this has never happened, but that it is on the agenda, so *res judicata* is not even relevant. Mr. Hart advised that it is up to the Board if the City's advice is followed in terms of policy decisions regarding *res judicata*, and that this is an advisory board and this case is not quasi judicial. Therefore, the Board must decide how it will proceed in review of this item. Mr. Hart advised that should this matter result in a legal matter, and then *res judicata* could be used administratively in a legal challenge.

Mr. Schulze understood from reading this application that Mr. Juranitch was of the mind to present this at the following meeting, as required by the City regulation, and he was requested not to do so. At that time he was put in a bad position to be in direct conflict with Staff's regulation, which was not of his own making. It was then put off again the following month, and now Mr. Juranitch is returning it again. Mr. Schulze felt that to use this against him at this time and hold his feet to the fire on the regulation is undue harm to his case.

Mr. Schulze explained that in Mr. Juranitch's new application, he has removed the dolphin pilings and removed the second vessel, which would have extended far beyond the 100-foot limit of his dock. From Mr. Schulze's view, this presents a perfect reduction of at least 30% of the original application and, thereby, the application should be on the agenda, and he so amends his motion.

Motion modified by Mr. Schulze, and seconded by Mr. McLaughlin, to put Mr. Juranitch reapplication on the agenda to be voted on tonight, due to the fact that his original application was deferred and requested that he not submit it the following month, which put himself in jeopardy of City Staff's regulations for having to be on the immediate following Marine Advisory Board Meeting; that this is not of his own making, and that for his feet to be held to the fire and denied the reapplication should not go forward. It is Mr. Schulze's opinion that the reapplication greatly changes the original application by more than 30%, because the dolphin pilings have been removed, the second larger vessel has been removed, the distance is now down to 108 feet from the property, and, therefore, should be placed on the agenda.

Mr. Anderson asked if anyone from the City Attorney's office was here to clarify any of this for him, as he is not an attorney, but is a commercial realtor and a property manager. Mr. Hart indicated that no one from the City Attorney's office was present. Mr. Hart reiterated that he explained it as best as he could; that the City goes by that doctrine, and it was up to the Board to determine if that doctrine applies in this case.

Mr. Anderson again stated that he did not understand the motion and that he would like a clear one to two sentence motion and then the justifications behind it could be discussed. Until there is a one to two sentence motion, he cannot begin to consider the motion. Mr. Flanigan informed Mr. Anderson that if Mr. Schulze's motion is approved, the Board would then have a thorough discussion. Mr. Anderson reiterated that he wanted the motion clarified as he was still confused.

Motion modified by Mr. Schulze, seconded by Mr. Adams, that due to the fact that there is material change presented in the second application, it should be placed on the agenda and voted upon. In a roll call vote, the motion was approved unanimously (Mr. Tilbrook abstaining due to a conflict) 11-0.

Vice Chair Flanigan asked Mr. Hart to provide clarification to the Board of the foregoing Motion. Mr. Hart explained that it would appear that the item is now on the Agenda, for the Board to determine whether the application is materially changed due to the removal of the pilings. Then the Board could vote to have a full-blown discussion and allow public input before there is a vote as to whether to deny this application or proceed on reviewing the application.

Both Mr. Schulze and Mr. Adams expressed that they thought that is just what had occurred.

Mr. Hart stated that the Board only voted to put the matter on the agenda. Mr. Hart asked for the Motion to be read back, which the Secretary proceeded to do, and Mr. Hart advised that it is correct and the Board could proceed.

Mr. Ross asked if there is, in fact, a 30% change. Mr. Flanigan explained that this would be heard now.

Mr. Adams advised that, in his opinion, the Board has voted that this resubmission is substantially changed, to which Vice Chair Flanigan concurred.

Motion by Mr. Adams, seconded by Mr. Schulze, for the Board to hear the revised resubmitted application, as it has been determined there was a material change to the

application. The Motion was approved 10-1 (Mr. Anderson dissenting; and Mr. Tilbrook abstaining due to a conflict).

Mr. McAllister again asked to be allowed to address the Board. Vice Chair Flanigan informed Mr. McAllister that this matter had not yet been opened to the public at this time.

Mr. Anderson stated that he did not understand any of this. Mr. Custer advised Mr. Anderson to read the last paragraph on the first page, which is very clear. Mr. Anderson explained that he wanted someone in attendance from the City Attorney's office and that he was not comfortable with any of the motions. Vice Chair Flanigan indicated to Mr. Anderson that he could then vote accordingly.

Whereupon, Tyler Chappell of The Chappell Group, made a presentation to the Board, as environmental consultant for Mr. Juranitch, the applicant. Mr. Chappell indicated that the application tonight was to request approval for the replacement of two existing finger piers with one proposed finger pier, which requires the Marine Advisory Board approval set forth in the Unified Land Development Regulations (ULDR).

Mr. Chappell stated that this application is materially different from the previous application as the applicant had removed the triple pile clusters, which were 133 feet from the property and now is requesting to construct a 100-foot finger pier off an 8-foot marginal dock, for a total of 108 feet from the property line. This represents a 23% reduction from the overall distance from the previous application.

Mr. Chappell continued with a PowerPoint presentation, which is made a part of these minutes and attached hereto.

Based upon comments from a Board member last month, Mr. Chappell requested the removal of item #4 that the waiver would have to be reapplied for if 50% of the dock was removed through an act of God.

Vice Chair Flanigan invited questions and comments from the Board.

Mr. Schulze stated that based upon Mr. Chappell's further investigation of situations and questions raised in the January meeting about the water skiing and anchoring of vessels in that area, he felt that argument now becomes invalid. In addition, Mr. Chappell's research has shown that there is more than 2-1/2 times the width in the area where Mr. Juranitch's dock is proposed.

Mr. Schulze indicated that in the northern turn – the initial turn of a skier – it is far closer to existing dock waivers that were an issue of the past, and more of a danger than Mr. Juranitch's property, if approved. Mr. Schulze stated that he felt that the applicant has made substantial changes to his dock proposal, in coming in line with the area's desires; therefore, denying his application at this time would be arbitrary and capricious.

Mr. McAllister again stated repeatedly that he wanted to be heard. Vice Chair Flanigan advised Mr. McAllister that this matter had not yet been opened to the public and that he would be removed if he continued to interrupt. Mr. Hart stated that he would call the police.

Mr. Widoff said that it was mentioned earlier that a part of the change in application was that it went from two boats to one boat. He asked if this application in any way limits the applicant to one 87-foot boat.

Mr. Chappell responded that the application is for a waiver of the structure and for the distance of that structure, beyond limitations of the boat. He advised that what the Board was reviewing is actually the structure, and that the boat shown in the presentation was shown there as an example of how the boat is being moored bow in. Mr. Chappell stated that the applicant has one boat and that he is not planning to put two. Mr. Zorovich said that he could put two boats.

Mr. Chappell agreed that the applicant can put two on the one side, but it would not be any larger vessel, but would only be a tender. Mr. Zorovich clarified that the application could put a boat there if he wanted to do so. Mr. Chappell agreed that he could, but that he was not proposing to put another vessel there.

Mr. Baker asked if anything would stop the applicant from putting two 100-foot vessels at the dock. Mr. Chappell admitted that nothing could stop him from doing so.

Mr. Anderson asked Mr. Chappell for the number of water skiers during June, July and August. Mr. Chappell responded that he only had two months from which to pick data and that he had no idea how many water skiers there were over the 4th of July weekend.

Mr. Anderson then asked when the last fatality occurred in the Middle River from a water skiing accident. Mr. Cuba advised that he would not have that information. Mr. Anderson believed it was last year when a rafter and a skier hit each other while turning.

Mr. Anderson indicated that his only concern is that there is one area that is supposedly wide enough, yet there was a fatality there last year. He expressed concern that granting this application would increase the risk for a potential fatality in this area.

Vice Chair Flanigan asked if the fatality wasn't on the north side of the Sunrise Bridge, and Mr. Anderson agreed. Mr. Anderson asserted that the width of the river is misleading, in that the river runs south and turns east. Mr. Chappell believed that there would still be over 800-feet of water, which is larger than Lake Sylvia. Mr. Anderson said that he felt it was a bit misleading to say the "width of the river" because the river turns from north to south and runs from east to west. Mr. Anderson agreed that there is a lot of area in there, which happens to be the widest part and the best part for water skiers to turn around. Mr. Anderson asked that the Board keep in mind that if this area was wider, it should be wider because there was a recent fatality in an area that was smaller.

Mr. Custer stated that Gloria Katz, a former City Commissioner, determined that dilution was the solution for waterskiing in the City of Fort Lauderdale, whereby it had been limited to the Middle River north of Sunrise Boulevard. It was then opened up to Sunrise Bay, Sunrise Intracoastal, Coral Bay, Lake Sylvia, Lago Mar, Mills Pond, until they realized that they made a lot of mistakes for the water skiers to ski without the risk of an accident. Mr. Custer said that it is now down to Sunrise Intracoastal where they have sufficient width to do it. There is less width in any of these than Sunrise Bay, and they are waterskiing all the time.

Mr. Custer opined (1) that it is risky at best to be waterskiing, and (2) if they do have due diligence, there would not be an accident.

Mr. McLaughlin indicated that in reviewing the applicant's photographs, he believed the boat to the north is actually longer than the dock that is being proposed to be put in here. Mr. McLaughlin also advised the Board that there was previously a problem on the New River with one of these docks and the environmental area. Mr. McLaughlin felt that the boat couldn't get in any closer because the environmentalists would not let the sea grass come out of the area.

Mr. McLaughlin recalled that a waiver was previously given to people because they could not dredge and had to move the dock out further. He said that they had plenty of width in that section of the river. Mr. McLaughlin agrees that the applicant would have to have his boat bow in, rather than stern in, to protect the sea grass, and that he probably cannot get the boat in against the dock currently existing. Therefore, Mr. McLaughlin sees the reasoning for the application.

There being no additional comments from the Board, Vice Chair Flanigan opened the hearing to the public.

Mr. McAllister submitted that this was a quasi-judicial procedure and that, as such, he should be permitted to present evidence as well as cross-examine witnesses. Vice Chair Flanigan advised Mr. McAllister that he could not cross-examine anyone, but that he can address the Board. Mr. McAllister stated his objection for the record that this should be a quasi-judicial proceeding.

Mr. McAllister advised that on January 11, 2005, City Attorney Harry Stewart advised at a hearing that the subject of dock waivers should be considered a quasi-judicial proceeding. Mr. McAllister requested that the Minutes of that meeting into the record of this meeting as evidence.

Mr. McAllister then asked to submit into evidence a letter submitted to the Marine Advisory Board earlier today, which details the reasons why this hearing should have been barred by the doctrine of *res judicata*. Mr. McAllister stated that the doctrine of *res judicata* holds that it is not permitted to rehear a matter that has already been decided, unless there is a substantial change in circumstances, not a substantial change to the application. Mr. McAllister offered that this would have required a zoning changed, or something other than what would be considered a minor alteration of the application. As such, Mr. McAllister objects to the hearing occurring in the first place.

Next Mr. McAllister submitted into evidence a letter received by him today from the Sunrise Intracoastal Homeowners Association, objecting to the application, which he read into the record. Per Mr. McAllister, there were no extraordinary circumstances which justify this application, which is further outlined in his letter to the Board.

Mr. McAllister stated that the Board rejected the initial Application because the Board found no extraordinary circumstances because a personal need does not justify a zoning exception. It was also much larger than any other applications that have come forward in this part of the neighborhood. Mr. McAllister indicated that this was in a residential zoned part of the neighborhood, whereas other applications for the big boats have come in at commercially zoned sections of the neighborhood. He advised that the neighbors on either side of this applicant's property are homeowners.

Mr. McAllister went on to restate the portions of his letter, which has already been placed into evidence before the Board. He further requested the opportunity to cross-examine the public and take evidence. Vice Chair Flanigan informed Mr. McAllister that he would not be permitted to cross-examine anyone.

Vice Chair Flanigan invited any additional comments from the public.

John Gorman, who lives on the property directly to the north of the applicant, addressed the Board next. Mr. Gorman asked to display a picture of the waterway, which was a part of Mr. Chappell's presentation, in order that the Board can see the impact of the waiver which is being considered tonight. Mr. Chappell displayed the photograph requested by Mr. Gorman.

Mr. Gorman stated that this waiver is all about money. Mr. Gorman referred to the January meeting of the Marine Advisory Board during which Mr. Juranitch spoke about his two yachts that would cost between \$7,000 to \$9,000 each per month to dock at Bahia Mar. Mr. Gorman claimed that the purpose of the applicant's dock is to make money for Mr. Juranitch in a residential neighborhood.

Mr. Gorman stated that the properties to the north of his have waivers for a 75-foot cluster pod, in which the vessels are between 120 to 140 feet long. They are backed in and utilize a system of mooring called "Mediterranean mooring" where their anchor lines come out another 30 to 40 feet, which is a hazard to the water skiers. Mr. Gorman claims that if the Board grants the applicant's dock permit, the Board will open up permits, or the ability for every other resident to request permits.

Mr. Gorman declared that developers have bought up all of the homes and he claimed to be pretty much the lone holdout on 20th Avenue, other than one other residential house which has not been "compromised." Mr. Gorman suggested that the applicant could put a 180-foot boat on his 100-foot dock, and that he could make about \$12,000 per month.

Mr. Gorman advised that Mr. Juranitch owned a commercial property where he has received a waiver, and suggested that he could dock his 80-foot boat there. In addition, Mr. Gorman stated, Mr. Juranitch owns another property on the Dania Cut-off Canal where he could dock the 80-foot boat on the Dania Cut-off Canal itself, or on the side, he could dock 2 100-foot boats there. Mr. Gorman questions why Mr. Juranitch is applying, as he knew the zoning when he bought the house. According to Mr. Gorman, Mr. Juranitch is doing it for money.

Dan Clark, of Cry of the Water Conservation Group, stated that they are mainly involved with coral reef issues, most recently being involved in the South Florida Coral Reef Initiative. On the things being looked at by the Cry of the Water is commercial docks.

Mr. Clark asked that the Board turn this application down, most importantly because of the safety issue. He indicated that most people in the summertime are kids on inner tubes and other inflatable devices being pulled behind boats.

Mr. Clark expressed that there were also environmental concerns for this area. He refers to a Fort Lauderdale permit for a 4 x 50 pier; the County permit was for an 8 x 100 pier. Mr. Clark advised that he spoke with people from the County that informed him that if there was any change to the initial Broward County permit that was given, it has to go back to them for another permit.

After speaking with the Corps of Engineers, Mr. Clark was told they could not find a permit for this project. Mr. Clark stated that he felt there was not enough inter-agency cooperation and there seems to be a lot of discrepancies between permits and some of things raised at this meeting already.

Mr. Clark felt that there were many things wrong with the permitting process and the regulatory process for residential docks.

Next, Courtney Crush, Esquire, representing Jim Juranitch, indicated that it was appropriate to hear this matter tonight, as the application was a new one. Ms. Crush reiterated that what was before the Board tonight was an application for a dock waiver for the applicant's property, which is zoned residential, where docks are an accessory use. In addition, Ms. Crush stated that in the ULDR, 47-19.3 addresses under which circumstances the City Commission can grant dock waivers, and what percentage they can allow the distance to extend into any waterway.

Ms. Crush stated that, as shown in Mr. Chappell's PowerPoint presentation, there is sea grass in the Applicant's dock space. Ms. Crush advised that when the Applicant applied for a permit more than a year ago, he did not know there was sea grass. He had the appropriate survey done, as required by the County, and he cannot bring a boat in unless it is bow in and must bring it in 10 to 18 feet from his property line. Ms. Crush expressed that this is believed to be extraordinary circumstances.

Ms. Crush went on to state that the applicant's property is located at a very wide portion of the Middle River. As such, the applicant had research done to determine the effect his dock would have on water skiers if it did stick out 180 feet from the property line. Ms. Crush indicated that there is no adverse impact.

Ms. Crush strongly urged this Board to recommend approval to the City Commission, as the decision making body. She asked the Board to consider that the only expert testimony heard tonight was by Mr. Chappell, an environmental engineer.

Alan Leigh, a resident on NE 20th Avenue, asserted that Mr. Gorman has an 80-foot yacht and a 10 to 15-foot dock. In addition, he suggests that Mr. Gorman's boat extends 10 feet from his dock before the stern of the boat happens, making this, in

essence, a 100-foot dock. Mr. Leigh stated that Mr. Juranitch is merely asking for the same thing as his neighbor, Mr. Gorman. Mr. Leigh believes that the applicant should be entitled to what Mr. Gorman already has.

Vice Chair Flanigan advised the public that there will be no cross-examination. Mr. McAllister once again objected to not being permitted to cross-examine.

At this time, Vice Chair Flanigan opened the matter to the Board.

Vice Chair Flanigan stated that Chair Terrill's letter contained issues beyond this application that will be dealt with through Staff. Vice Chair Flanigan acknowledged that the Application itself is cut and dry, and that it was a request for a variance.

Vice Chair Flanigan asserted that everyone has seen variances come as a result of the increasing population, both residential and commercial, that have changed and brought this City to where it is today. He explained that the City's skyline has changed, that residential homes were being expanded to 2 and 3 stories, and that boats had become larger and larger as the demand has called for such things. Vice Chair Flanigan admitted that this will continue to be something to be addressed by the Board, and that he resented the suggestion that such decisions be done in a rubber-stamping way.

Vice Chair Flanigan explained that this Board has denied variances where the peaceful enjoyment of adjoining properties were affected, as well as instances where denials were given to people attempting to cover their boat lifts. When looking at this request for a variance, the properties before it, the boats there, Vice Chair Flanigan stated that he does not see where it is a commercial intrusion into what already exists. If the City chooses to change the zoning, Vice Chair Flanigan concurred that there is a method and a process to do this, and that as a Board; the guidelines will be followed at that time. At this time, Vice Chair Flanigan stated that he believed this application is a clear-cut variance, despite the political undertones.

Mr. Zorovich referred to the January meeting in which Mr. Schulze proposed, as he is proposing today, and the application was turned down 8 to 1. He asked in which way this application has changed. Chair Flanigan answered that he sees two cluster pilings which have been removed and the variance of less percentage in distance.

Chair Flanigan admitted that he was not previously aware that there was a City permit issued in the past.

Mr. Schulze suggested that some of the arguments presented in the January meeting were influential in the negative vote by the Board. It is Mr. Schulze's opinion that those

arguments have now been disproved through the further research done by the Chappell Group. Mr. Schulze believed that to be the primary influence in the negative vote that would not be so tonight if it were brought to a vote.

Mr. Zorovich stated that he would not say totally disproved, however, he questioned someone coming before this Board who himself owned an 80-foot boat that was objecting to his neighbor having the same. Mr. Zorovich advised that he has driven his boat by the area, and that it is a very wide area. He has spoken with Mr. Juranitch and he likes him. However, Mr. Zorovich felt that there are so many things here that must be clearly understood. Mr. Zorovich discounted the statistics taken of the water skiers because it was only taken over a 2-month period of time during which there are typically less water skiers.

Mr. Zorovich agreed with Vice Chair Flanigan in that this matter must be looked at as a variance and suggests that the Board vote on it.

Motion by Mr. Schulze, seconded by Mr. Adams, that the Board recommend the City Commission grant a waiver as presented by the Chappell Group. Upon roll call vote the motion failed 5 – 6 (Mr. Zorovich, Mr. Widoff, Ms. Scott-Founds, Mr. Anderson, Mr. Ross and Mr. Baker dissenting; Mr. Tilbrook abstaining due to a conflict).

V. Discussion – Parasailing in the City of Fort Lauderdale
• **Marine Facilities Staff**

Mr. Cuba introduced Ms. Slagle to make this presentation to the Board, as she has been researching and tracking State proposed parasailing legislation.

Ms. Slagle informed the Board that there is currently a bill going through the House and the Senate to regulate parasailing within the State of Florida. The Senate bill has been sponsored by Senator Gwen Margolis. Ms. Slagle provided a brief history surrounding the drafting of this bill, as follows:

In July of 2001, there were two fatalities in the State; in 2003 there was an accident with two minor injuries; and in 2007 an incident occurred in Pompano Beach which resulted in one fatality and one injury.

Currently, there are no State or Federal laws which regulate parasailing. There are approximately 70 to 120 operators, which mostly operate on the Atlantic Ocean and the Gulf coast waters. This is a \$50 Million to \$55 Million industry in the State of Florida. Florida has half the total operators nationwide with no regulation.

Ms. Slagle stated that the Coast Guard regulates only as it pertains to commercial vessels, and have initiated a voluntary parasail vessel safety program. The Professional Association for Parasail Operators (PAPO) is a National organization based in California, which is trying to get coast states (Texas, California and Florida) to regulate parasailing because it is becoming a large industry, it is not regulated and there will, of course, be issues.

Proponents of the Bill, insurance companies and the operators also realize that there needs to be legitimate insurance that is available and affordable for the operators. At this time, insurance is difficult to obtain and is very expensive, costing up to \$13,000 per year for a boat to be insured.

The Bill would allow for the payment of a \$50 license fee to cover the cost of regulation, which would provide the State with \$3,500 to \$6,000 per year to regulate this industry. The remainder is expected to be regulated by local municipalities or the Coast Guard.

Ms. Slagle indicated that there are a lot of issues pending, but it is anticipated that the final Bill will pass through the House and the Senate with no issues and will be effective October 1, 2008. A draft of the proposed Bill was presented to Board members.

Mr. Hart stated that according to this draft of the Bill, it requires that parasailers are required to operate a minimum of 3,000 feet off-shore.

VI. Report – Broward County Marine Advisory Committee

Mr. Adams advised that there was a meeting today which discussed the Enhanced Marine Law Enforcement Grants (EMLAG) financing, for which the County collects a registration fee and a portion of that is earmarked for law enforcement on the waterways, in which all the cities in Broward County participate. \$610,000 was allocated for distribution throughout the County, which distribution shall take place during the 2008-2009 fiscal year.

VII. City Commission Items

- **April 3, 2008 – Lease Amendment/Princess Lady, LLC**

Mr. Hart announced that the Commission approved the amendment of the lease agreement for Princess Lady, LLC.

VIII. Old/New Business

Frank Herhold of the Marine Industries Association of South Florida announced that on Saturday and Sunday, April 19th and 20th, the Association was hosting its 9th Plywood Regatta, which is a kids' boat building contest. Last year there were 30 teams (6-8 kids to a team) that spent the day building boats with a mentor on each team, and on Sunday they raced the boats. The event is located at the base of the Dania Beach Pier at the south end of Whiskey Creek. Anyone interested in their children participating can call Melanie Daly at 954-524-2733. Sponsors are also needed, with the proceeds providing scholarships to marine magnet school students.

Vice Chair Flanigan announced that this meeting of the Marine Advisory Board is the last meeting of this term. Mr. McLaughlin will not be returning, as his term is ending tonight.

Mr. Custer stated that in August a presentation was made by Mr. Fiore as to Coconut Island. Mr. Custer indicated that he went back into his files where he had contacted the Florida Inland Navigation District about dredging, whereupon he read a letter to the Board as follows:

"Thank you for contacting us regarding future dredging plans along the Intracoastal Waterway in Broward County. While there is a plan to deepen the waterway in some part of the foreseeable future, I am not aware of any plan to place the dredged material in situ, whether it be private or public property.

The navigation district has spent many years and significant funds on acquiring upland sites to place dredged material and has also forged several agreements with various organizations, including Port Everglades, to manage our material in an environmentally suitable manner. That is, place it in an upland site, dewater it, and eventually haul it away.

It is impossible in this day and age to place material in the water, unless it is for an approved and permitted environmental restoration project."

Mr. Custer stated that he wanted to make this a part of the Minutes, as it conflicts directly to what is being said today.

Mr. Adams advised that the Marine Advisory Committee is in favor of it. This Board is in favor of it and will support it. Florida Inland Navigation District is in favor of it because it gives them a place to put the spoil from the New River dredging.

Mr. Schulze asked if the objectors are not recognizing that this is a restoration project and not a new project.

Marine Advisory Board Meeting
April 3, 2008
Page 17

Mr. Tilbrook announced that Riverwalk Trust has a charity golf tournament on April 18, 2008, at Fort Lauderdale Country Club, to benefit the Children's Diagnostic & Treatment Center, and invited everyone to participate.

IX. Adjournment

There being no further business before the Board, the meeting was adjourned at 9:12 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Tilbrook, Stephen Ketner		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Marine Advisory Board	
MAILING ADDRESS 200 E. Broward Boulevard, Suite 2100		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Fort Lauderdale	COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED April 3, 2008		NAME OF POLITICAL SUBDIVISION: Fort Lauderdale	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Stephen K. Tilbrook, hereby disclose that on April 3, 20 08:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, _____;

☐ inured to the special gain or loss of my relative, _____;

☒ inured to the special gain or loss of John Gorman, by whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The applicant, James Juranitch, is seeking a dock waiver for a parcel located adjacent to a parcel owned by John Gorman, a client of Shutts & Bowen LLP (a firm with which I am a partner). Mr. Gorman has expressed opposition to the application.

4/3/08
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

ITEM IV

**POWERPOINT PRESENTATION
APPLICATION – WAIVER OF DOCK DISTANCE
LIMITATIONS – 714 N.E. 20TH AVENUE**

TYLER CHAPPELL, CHAPPELL GROUP, PRESENTER

APPLICATION

This application is requesting approval for the replacement of two existing finger piers with one proposed finger pier which requires Marine Advisory Board approval as set forth in the Unified Land Development Regulations (ULDR). This application is materially different from the previous application in that the applicant has removed the triple pile clusters which were 133' from the property and now is requesting to construct a 100' finger pier off an 8 foot marginal dock for a total of 108' from the property line. This is a 23% reduction in the overall distance from the previous application.

APPLICANT

The applicant and the
address of the property:

James Juranitch
714 N.E. 20th Avenue
Fort Lauderdale, FL 33304

Middle River



PROPOSAL

The project consists of the removal of two existing thirty (30) foot finger piers that total 240 square feet which extend from a 8' foot marginal dock. The marginal dock will remain. The proposed project is to construct one 100' x 8' fixed finger pier totaling 800 square feet. The distances this structure extend from the property line into the Middle River are shown on Table 1 which follows:

PROPOSAL

(Concluded)

TABLE 1

LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH	SURVEYED DISTANCE OF STRUCTURE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
PROPOSED FINGER PIER	108.0'	20'	88.0'

BACKGROUND INFORMATION

The ULDR, Section 47-19.3.B, permits the construction of the finger piers to extend a maximum distance of 20'; Section 47-19.3.C of the code limits the mooring pilings to a maximum distance of 25' at this location, into the Middle River, respectively.

BACKGROUND INFORMATION (Concluded)

ULDR, Section 47-19.3.D, allows the City Commission to waive the limitation based on its finding of extraordinary circumstance.

ZONING

The property is in the Residential Single Family/Low Medium Density District (RS-8), which permits a dock facility as an accessory use.

NAVIGATION

The applicant's property is situated on the western side of the Middle River where the width is approximately 1,123.87' wide on the north property line and over 1,447.51' from the south property line.

From the survey, this is shown in Table 2 and the graphic depictions that follows:

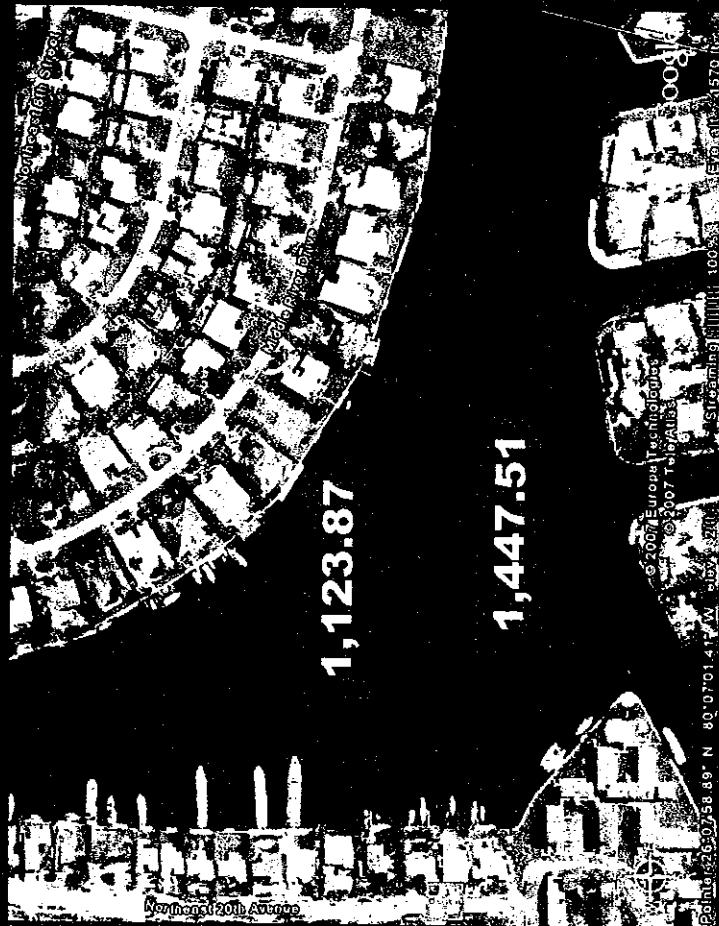
NAVIGATION (Continued)

TABLE 2

WATERWAY WIDTHS (FROM NORTH TO SOUTH)	MAXIMUM DISTANCE
North Boundary Line	1,123.87' +/-
South Boundary Line	1,447.51' +/-

NAVIGATION

(Continued)



Waterway Widths

Graphic depiction from aerial:

- North Boundary Line = 1,123.87'
- South Boundary Line = 1,447.51'

NAVIGATION

(Continued)

NAVIGATION (Continued)

714 NE 20th Avenue



Aerial of property shows clear view of waterway clearance with large vessel docking in the range of approximately 60' to 120' adjacent to the applicants property and adjoining properties.

Anchoring Data

Month	Boats Anchored	Skiers
January	31	1
February	18	9
Total	49	10

Over 60 days: .17 skiers / day, .82 boats / night, max of 4 boats at anchor the night of Feb 3

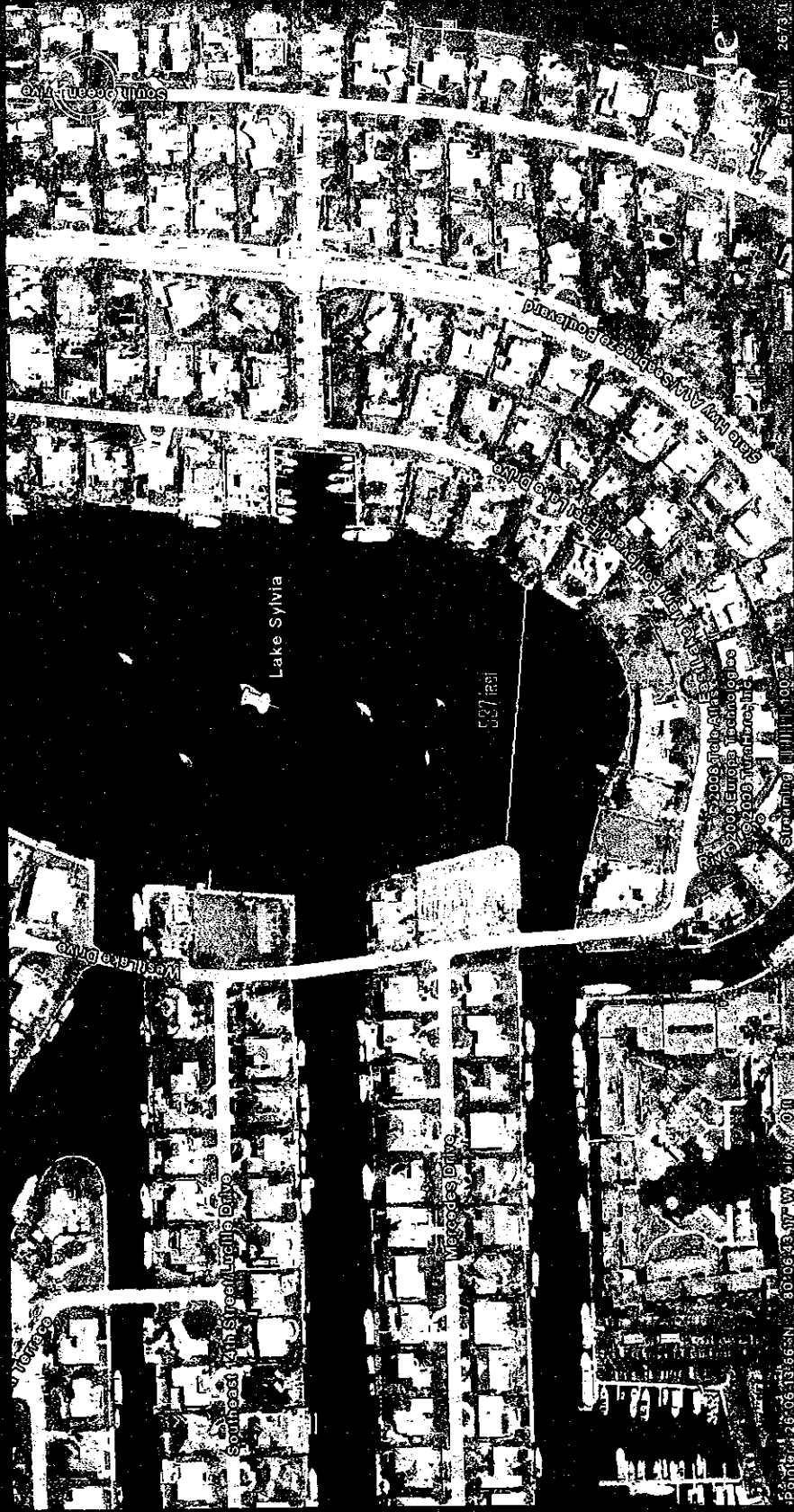
Middle River Ski Area



A minimum of two Middle River ski areas can be navigated in the area.



This is a high-contrast, black and white aerial photograph of a residential neighborhood. The map is oriented with North at the top. A large, dark, irregularly shaped lake, labeled 'Lake Sylvia', occupies the central portion of the image. To the left of the lake, a street labeled 'Southeast 14th Street' runs vertically. To the right of the lake, a street labeled 'Lakeside Drive' runs vertically. A street labeled 'Mercedes Drive' runs horizontally across the bottom of the image. Another street labeled 'Southeast 14th Street' runs horizontally across the top of the image. The surrounding area is densely packed with residential buildings, mostly appearing as small, light-colored rectangles. The map is framed by a thick black border. In the bottom right corner, there is a small, faint, and mostly illegible text block that appears to contain copyright information, including the year '2008' and the name 'Aerial'. The overall image quality is poor, with significant noise and high contrast, making it difficult to discern fine details.



NAVIGATION

(Concluded)

The proposal presents no significant impact to navigation.

Original Dock Intent was for a 4 x 50
foot finger pier.

DISPLAY THIS CARD ON FRONT OF JOB	
CITY OF FORT LAUDERDALE	
BUILDING PERMIT	
INSTALL IN INSPECTIONS BETWEEN GATE 1 & 2 APPROX 10/23/2007	
07091813	
ADDRESS	714 NE 20 AV
OWNER	WANSOUR, GARY P
CONTRACTOR	MORRISON BUILDERS INC
	DOCKS SINGLE FAMILY
PURPOSE	INSTALL 4X50 FINGER PIER AND REPAIR
SUBDIVISION	VICTORIA HIGHLANDS AND 15-B A
BLOCK	0001
LOT	0
ZONE	ND-R
CERTIFICATE OF OCCUPANCY MUST BE SECURED BEFORE THIS BUILDING CAN BE USED FOR ANY PURPOSE	
DO NOT REMOVE THIS CARD BEFORE COMPLETION	
FOR INSPECTIONS CALL 954-828-5191 or	
SCHEDULE ONLINE at www.fortlauderdale.gov	
See Permit receipt for web instructions	

Broward County Environmental Protection Department (BCEPD) Recommendation for MAB approval

Tyler Chappell

From: Krawczyk, Julie [JKRAWCZYK@broward.org]
Sent: Wednesday, January 02, 2008 11:58 AM
To: JHart@fortlauderdale.gov
Cc: Jim Juranitch, tyler@thechappellgroup.com; Matt Mitchell; Kris McFadden; Sunderland, Linda; Myers, Eric; Cry of the Water; jgorman@fltranserv.com
Subject: 714 Middle River Drive, Fort Lauderdale (EPD File No. DF07-1085)

Good morning Jamie,

As you may be aware, our Department is currently reviewing a license application for the construction of an 8-foot-wide by 100-foot-long finger pier and installation of two sets of cluster mooring piles at the above-referenced address. During staff's inspection of the project area, seagrass (*Halophila decipiens*) was observed from the waterward edge of the existing marginal dock to at least 70 feet into the waterway. Seagrass is a protected natural resource that has a significant biological role in providing habitat and food for marine species, protecting shorelines, and maintaining water quality. Pursuant to Section 27-337(b)(7) of the Broward County Code of Ordinances, applicants must avoid and minimize impacts to natural resources to the greatest extent practicable.

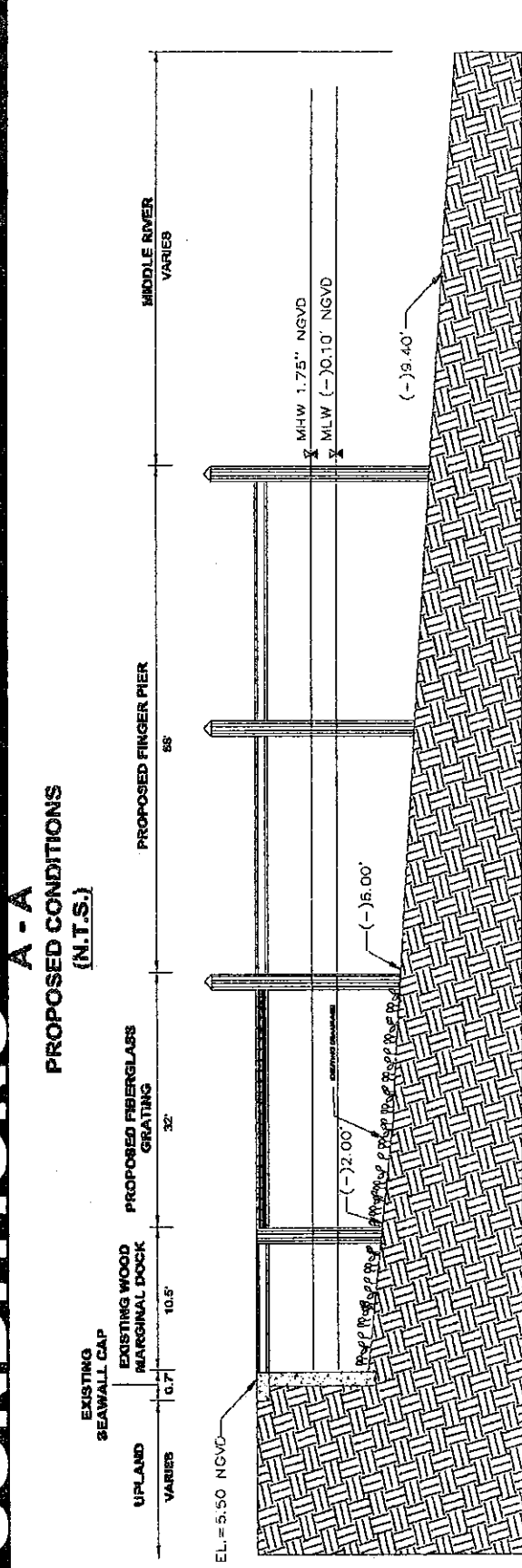
Staff has been working diligently with the applicant since May of 2007 to design a project which will avoid and minimize impacts to seagrasses, in addition to meeting the needs of the applicant. The currently proposed design includes the use of fiberglass grating, which allows light to penetrate beneath the dock, and mooring of the vessels bow in with a setback of 10 feet from the edge of the existing marginal dock, which eliminates the need for dredging.

We are aware that the currently proposed design will require a variance from the City of Fort Lauderdale, and it is our understanding that the project will be discussed during the January 3rd Marine Advisory Board meeting. Based on the incorporation of the elements discussed above, the Department would like to state its support for the issuance of a variance for the 100-foot-long pier, for the specific purpose of protecting seagrasses. Staff will continue to work with the applicant to finalize the amount of grating and any other compensatory measures needed to minimize seagrass impacts to the greatest extent practicable.

If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

Julie Krawczyk
Natural Resource Specialist III
Broward County Environmental Protection Dept.
One North University Drive, Suite 301
Plantation, FL 33324
Phone: (954) 519-1266
Fax: (954) 519-1412
Office Hours: Tuesday-Friday, 7:00 am-5:30 pm

WATERWAY DEPTH TIDAL CONDITIONS



the project contains significant coverage of seagrass 42.5 feet from the seawall to elevation (-) 6.00 NGVD and sporadic areas out to 70 feet. Therefore, no dredging will be permitted in the seagrass area or slip footprint. In addition, the seagrass prevents the ability to moor stern to at the finger pier or parallel along the existing marginal dock.

EXISTING WAIVERS ON NORTHEAST 20TH AVENUE

Below is a list of street addresses including the subject property along N.E. 20TH Avenue with approved waivers, and showing the maximum distance that the furthest mooring piling and piers extends into the Middle River:

March 1983 – 834 NE 20th Avenue: Pilings 45'

Dec 2005 – 834 NE 20th Avenue: Pilings 71' / Piers 35'

July 1985 – 808 NE 20th Avenue: Pilings 48' / Piers 37'

Jan 2008 – 808 NE 20th Avenue: Pilings 68' / Piers 73'

January 1990 – 840 NE 20th Avenue: Pilings 48' / Piers 48'

Dec 2005 – 840 NE 20th Avenue: Pilings 71' / Piers 35'

Sept 1992 - 738 N.E. 20TH Avenue: Pilings 75' / Piers 35'

April 1983 - 714 N.E. 20TH Avenue: Pilings 45'/Piers 37'

April 2008 – 714 N.E. 20th Avenue: ???

PUBLIC NOTIFICATION

CITY OF FORT LAUDERDALE

PUBLIC NOTICE

On April 3, 2008, the Fort Lauderdale Marine Advisory Board will consider an application for a waiver of limitations from James Juranich, 714 N.E. 20th Avenue, Fort Lauderdale.

The applicant is requesting authorization for replacement of existing dock facilities with construction of new finger pier that extends approximately 108' from the property line into the Middle River. The Unified Land and Development Regulations (ULDR), Section 47.19.3.B and C prescribes a maximum distance of 10% of the width of the waterway or 20 feet, whichever is less, for finger piers and boatlifts, and 30% of the width of the waterway or 25', whichever is less, for mooring pilings; unless, a waiver of limitations is authorized by the City Commission in accordance with Section 47.19.3.D of the ULDR.

Anyone wishing to speak for or against the proposed request should plan to attend the meeting. The meeting is scheduled to begin at 7:00 P.M. in the City Commission Conference Room, 100 North Andrews Avenue, 8th Floor.

**Residents have been notified
within 300' of the property;**

**No objections have been
received as of the time of this
public hearing.**

PUBLIC APPROVAL

OFFICE OF THE CITY CLERK
CITY OF VICTORIA
215 N. 20th Avenue
P.O. Box 1000
Victoria, BC V8X 2C1



5 March 2008

James Jacobelli
215 N. 20th Avenue
P.O. Box 1000
Victoria, BC V8X 2C1

Dear Mr. Jacobelli:

The Architectural Master Plan, Planning/Zoning and Traffic Committee of the Victoria Park Civic Association have reviewed your proposal to the City of Port Moody for a deck terrace. And the proposal was approved by the general meeting of the Association on March 1st, 2008. We are pleased to tell you that the Victoria Park Civic Association has voted to support your application. We also wish to express our thanks for your willingness to go on the record as the committee member willing to support any future development in the immediate area of your property along the river.

Sincerely,

Ted Plank
Vice President

The Victoria Park Community Association has voted unanimously to support the proposed project and a letter of support was included in your backup.

Agencies that have reviewed or approved the current dock design:

- ◆ Broward County Department of Environmental Protection
- ◆ US Army Corps of Engineers
- ◆ Florida Department of Environmental Protection
- ◆ Victoria Park Civic Association
- ◆ (HUD) US Department of Housing and Urban Development for compliance with (ADA) Americans With Disability Act
- ◆ US Department of Justice

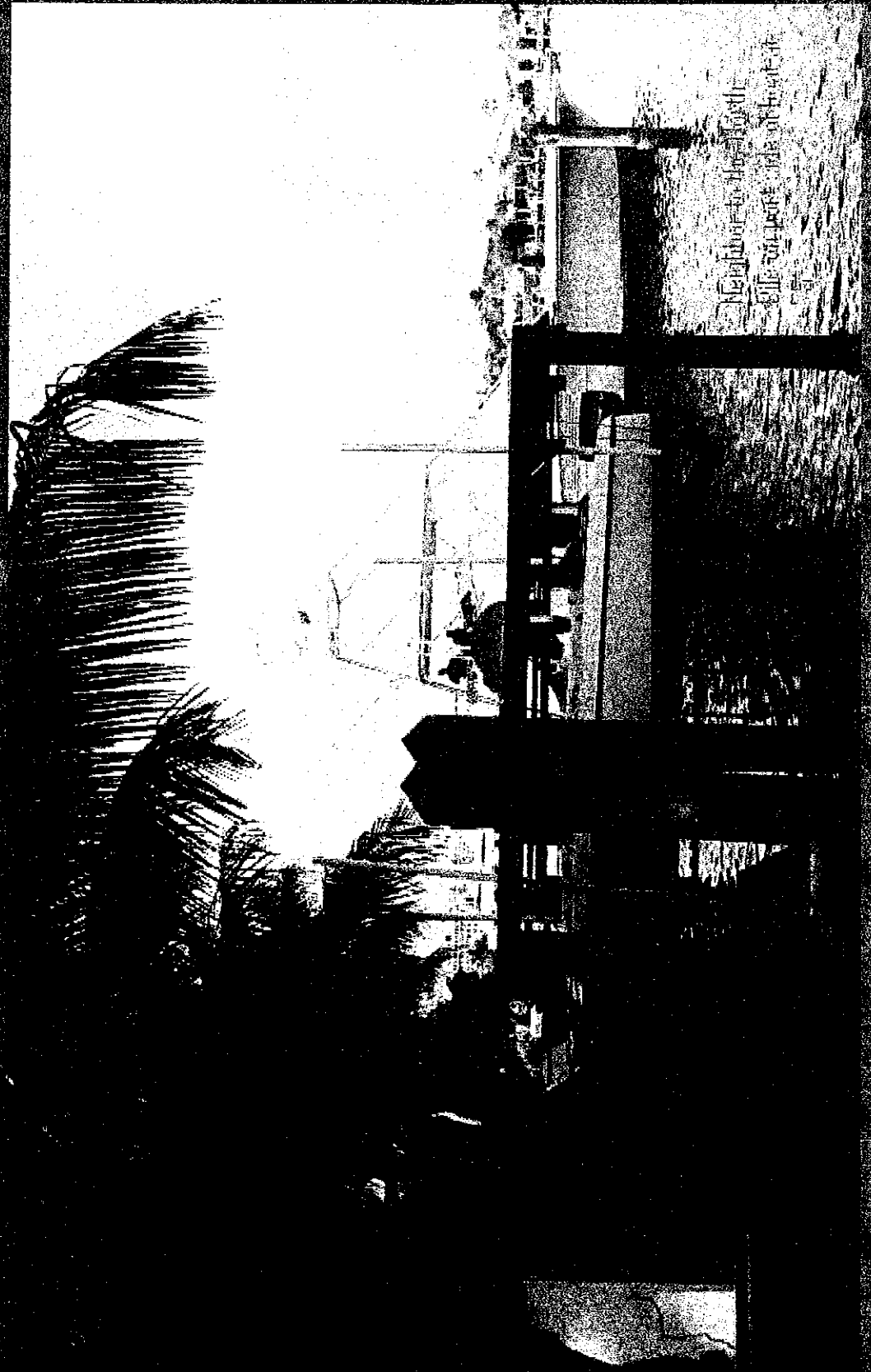
EXTRAORDINARY CIRCUMSTANCES FOR JUSTIFICATION OF REQUEST

FOR WAIVER

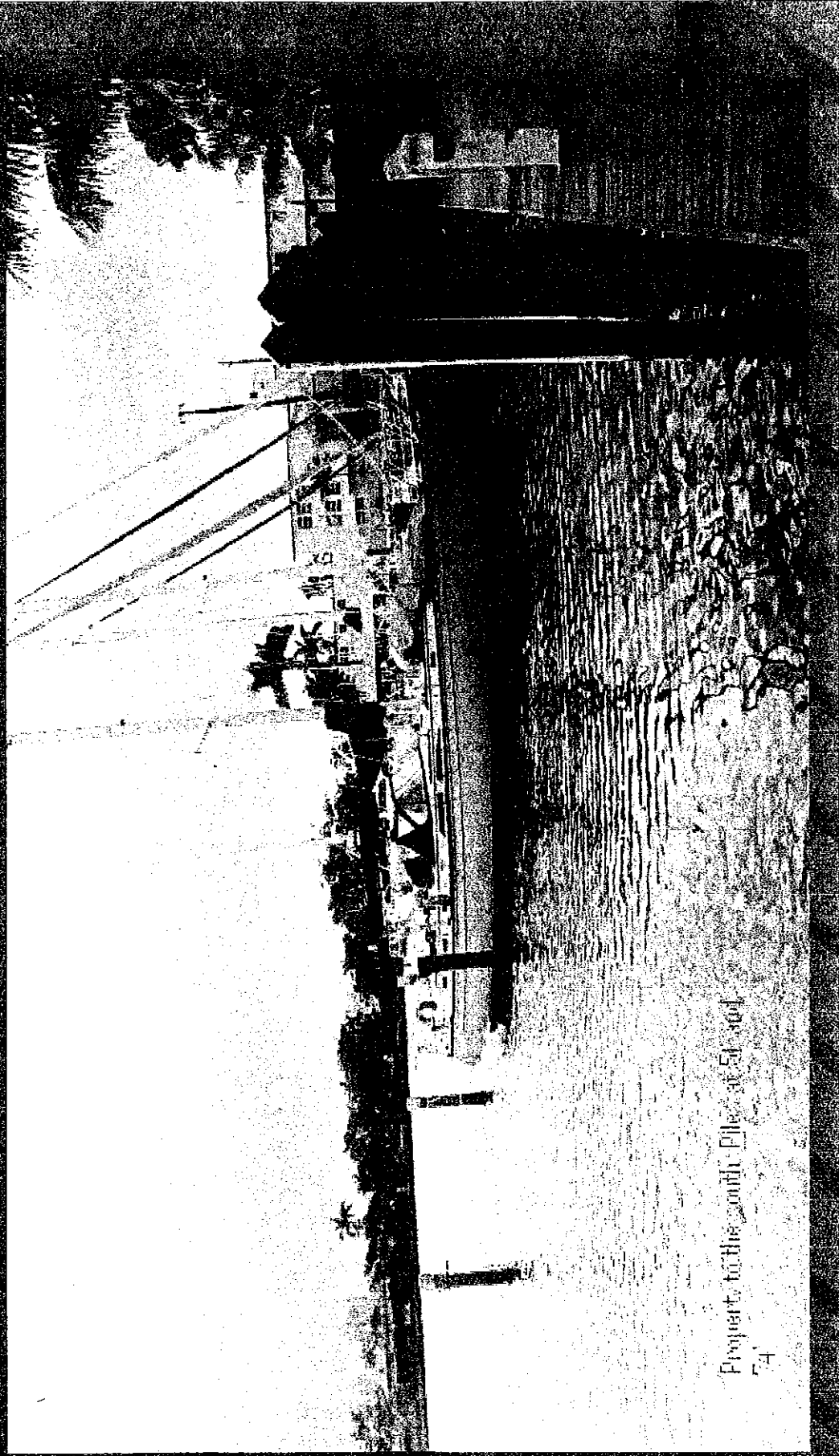
1. Provide sufficient dock length to allow mooring of the vessel bow in as requested and approved by Broward County Environmental Protection Department to minimize seagrass habitat impacts and prop dredging of seagrass. The BCEPD has also requested that no mooring of boats can be within 10 feet of the marginal dock which forces the slip out farther into the waterway as well.

2. Provide sufficient access to the owner's boat from the stern with a bow in configuration.
3. A modification of an existing waiver to allow for the size of vessels that is consistent with the current typical vessel size being purchased today and consistent with the few waivers that exist along NE 20th Avenue.
4. Extraordinary width of waterway at the property location.
5. One of few properties in the city with an extremely wide waterway with a neighborhood (over 20 signatures of approval from adjacent neighbors) and community association that supports the proposed project.

View of Neighbor to the North which
has piles at 75 feet and vessel at 80
feet



View of neighbor to the South with
piles at 51 feet and 74 feet.



Property to the south. Pile at 51 and
74

RECOMMENDATION

A recommendation for approval by the City Commission from the Marine Advisory Board should include at least the following conditions:

RECOMMENDATION (CONT.)

- The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and requirements.
- The applicant shall install and affix reflector tape in accord with Section 47-19.3.D of the Unified Land and development Regulations (ULDR) on specific cluster pilings identified in Table 2.